

Senate Bill 356

By: Senator Henson of the 41st

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to payment into county treasuries of fines and forfeitures, so as to provide for payment of certain moneys arising from traffic fines generated by motorcycle enforcement units to campus police departments for the maintenance and enhancement of the motorcycle enforcement program; to amend Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to arrests, trials, and appeals relative to prosecution of misdemeanor traffic offenses, so as to provide for payment of certain moneys arising from traffic fines generated by motorcycle enforcement units to campus police departments for the maintenance and enhancement of the motorcycle enforcement program; to provide for an effective date, automatic repeal, and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to payment into county treasuries of fines and forfeitures, is amended by revising subsection (a) as follows:

"(a)(1) The clerks of the several courts shall pay into the county treasury of the county where the court is held all moneys arising from fines and forfeitures collected by them and, upon failure to do so, shall be subject to rule and attachment as in the case of defaulting sheriffs.

(2) The provisions of paragraph (1) of this subsection shall not apply to the remainder of any fines, after costs, imposed for violation of any traffic offense provided in or authorized by Chapter 6 of Title 40 on an urban interstate system or university campus if the arrest or citation in such case was made or issued by a member of the Uniform Division of the Department of Public Safety's motorcycle enforcement unit or a campus police department's motorcycle enforcement unit, in which case such remainder shall be remitted to the ~~Department of Public Safety~~ the department issuing the citation or making

1 the arrest and used for the maintenance and enhancement of ~~the~~ such department's  
2 motorcycle enforcement program.

3 (3) As used in this subsection, the term:

4 (A) 'Campus police department' means the law enforcement agency for a university  
5 campus authorized to enforce the criminal laws of this state.

6 (B) 'University campus' means all that property owned, leased, occupied, or otherwise  
7 in the custody and control of any college or university under the direction of the board  
8 of regents and shall also include any public or private property within 500 yards of such  
9 college or university property.

10 (C) 'urban Interstate system' means a portion of the national system of interstate  
11 and defense highways which:

12 (A)(1) Is located entirely within any part of this state; and

13 (B)(2) Includes a single numbered interstate highway which forms a closed loop or  
14 perimeter.

15 Where these conditions exist, the urban interstate system shall consist of the interstate  
16 highway constituting the closed loop or perimeter and all interstate highways or  
17 portions thereof located within such loop or perimeter, not including any portion of any  
18 interstate highway outside of the loop or perimeter."

## 19 SECTION 2.

20 Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to  
21 arrests, trials, and appeals relative to prosecution of misdemeanor traffic offenses, is  
22 amended by revising Code Section 40-13-26, relating to how sentences shall be served and  
23 disposition of fines and costs, as follows:

24 "40-13-26.

25 (a) Defendants who plead guilty or who are convicted under this article shall be required  
26 to serve their sentences in such manner as is provided for by law in misdemeanor cases.

27 In case a fine is imposed and paid, the officers of court, where on fee basis, shall first be  
28 paid their costs arising in such case. After the payment of all costs, the remainder of such  
29 fine shall be paid into the county treasury in the event the case is disposed of by the probate  
30 court; if the case is disposed of by the municipal court of an incorporated municipality, the  
31 remainder of such fine or fines shall be paid into the treasury of the municipality where the  
32 court is located, except that where such courts have jurisdiction beyond the corporate limits  
33 of a municipality, and the offense occurs outside the municipality, the fine shall be paid  
34 into the county treasury; provided, however, that in any case where a fine was imposed for  
35 violation of any traffic offense provided in or authorized by Chapter 6 of this title on any  
36 'urban interstate system' or university campus if the arrest or citation in such case was made

or issued by a member of the Uniform Division of the Department of Public Safety's motorcycle enforcement unit or the campus police department's motorcycle enforcement unit, the remainder of such fine shall be remitted to the ~~Department of Public Safety~~ department making the arrest or issuing the citation for the maintenance and enhancement of ~~the Department's~~ such department's motorcycle program. The judge of the probate court or the person presiding over the municipal court ~~must~~ shall pay into the county treasury, municipal treasury, campus police department, or Department of Public Safety by the fifteenth day of each month the remainder of all fines for the preceding month. Such payment ~~must~~ shall be accompanied by a list showing the name of the defendant in each case, the fine imposed in each case, the costs in each case and to whom paid, and the balance which is being paid into the treasury. The official making such payment ~~must~~ shall be given a written receipt by the person receiving the payment. No officer receiving a salary ~~will~~ shall receive any fees for arresting or attending court in any case arising under this article, but the usual fees ~~must~~ shall be assessed, and, if the arresting officer is not entitled to the costs, they ~~must~~ shall go to the county or city to which the fine is paid or the Department of Public Safety or campus police department as required by this Code section.

(b) As used in this Code section, the term:

(1) 'Campus police department' means the law enforcement agency for a university campus authorized to enforce the criminal laws of this state.

(2) 'University campus' means all that property owned, leased, managed, or otherwise under the custody and control of any college or university under the direction of the board of regents and shall also include any public or private property within 500 yards of such property.

(3) 'urban Urban interstate system' means a portion of the national system of interstate and defense highways which:

~~(1)~~(A) Is located entirely within any part of this state; and

~~(2)~~(B) Includes a single numbered interstate highway which forms a closed loop or perimeter.

Where these conditions exist, the urban interstate system shall consist of the interstate highway constituting the closed loop or perimeter and all interstate highways or portions thereof located within such loop or perimeter, not including any portion of any interstate highway outside of the loop or perimeter."

### SECTION 3.

This Act shall become effective on July 1, 2008, and shall stand repealed June 30, 2013, unless renewed, and shall apply with respect to fines collected and forfeitures forfeited on or after July 1, 2008.

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- SECTION 4.**
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- All laws and parts of laws in conflict with this Act are repealed.